IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.30944 of 2008
BRIJNANDAN SINGH
Versus
STATE OF BIHAR

For the petitioner : Mr. Sharda Nand Mishra, Advocate
Mr. Dhananjay Kumar Gupta, Advcoate
For the State : Mr. Upendra Kumar, APP

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4 17.12.2008 Heard.

The petitioner has renewed his prayer for grant of bail in a case instituted under sections 302/34 of Indian Penal Code.

The petitioner on two earlier occasions moved this Court. Under order dated 3.8.2006 passed in Cr. Misc. No. 29649/2006, his prayer for grant of bail was rejected. Thereafter the petitioner again moved this Court for grant of bail which was heard and dismissed under order dated 12.2.2008 passed in Cr. Misc. No. 5726/2008 (Annexure-2).

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A perusal of the said order would show that the petitioner was given liberty to renew the prayer if the trial of the case is not concluded within 5 months.

Vide order dated 11.8.2008, status report regarding position of the trial was called for which is sent to and received by this Court and placed at Flag-B. A perusal of the status report indicates that two witnesses have already been examined in this case and there are chances that on the next date, the witnesses will appear.

Considering the allegation, the liberty granted under order dated 12.2.2008 and the facts disclosed in the petition,

this Court, for the present, is not inclined to admit the petitioner to bail.

His application for bail stands rejected.

However, having regard to the entire facts and circumstances, this Court directs that the Trial Court shall try to conclude the evidence of the prosecution on or before the 28th February, 2008 failing which the Trial Court shall release the petitioner on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to his own satisfaction.

If in terms of this order, the bail is granted to the petitioner, the same shall be subject to the following conditions.

(i) one of the bailers should be the own/close family members of the petitioner.

(ii) The petitioner shall appear in person on each and every date fixed in the Court below where the trial of the case is pending.

(iii) In the event of his non appearance, without any cogent/satisfactory reason to the satisfaction of the Court in seisin of the matter, the bail bond of the petitioner shall be cancelled and thereafter the Trial Court will be at liberty to secure his arrest in accordance with the procedure known in law.

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pkj **(Kishore K. Mandal, J)**

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